

Application No.: 10/711,515
Examiner: White, Rodney Barnett
Art Unit: 3636

Applicant: Baton Digital Electronic Tech. Co. Ltd.

REMARKS

Present Status of the Application

Claims 1-10 are pending of which claims 5, 6 and 10 have been amended to overcome the rejections under 35 U.S.C. 112, second paragraph. Amendments to claims 5 and 10 is well supported by Figures 2 and 3, amendment to claim 6 is well supported by Figure 3. Therefore, it is believed that no new matter adds by way of the amendments, or otherwise to the application. For at least the following reason, Applicant respectfully submits that claims 1-10 are in proper condition for allowance and reconsideration of this application is respectfully requested.

5
BEST AVAILABLE COPY

Application No.: 10/711,515
 Examiner: White, Rodney Barnett
 Art Unit: 3636

Applicant: Baton Digital Electronic Tech. Co. Ltd

Claim Rejection under 35 USC 112

The Office Action rejected claims 5 and 10 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In rejecting the above claims, the Examiner stated that claims 5 and 10 read like method of making claims, and therefore renders the claims vague and indefinite. Clarification and/or correction is required.

In response thereto, Applicant would like to thank the Examiner for pointing out the informalities, and accordingly amended claims 5 and 10. After entry of the amendments to claims 5 and 10, it is believed that the above rejections can be overcome. Reconsideration is respectfully requested.

Claim Rejection under 35 USC 102

1. The Office Action rejected claims 1-10 under 35 U.S.C. 102(e) as being anticipated by Jost et al. (US-2004/01134579, hereinafter Jost).

Applicant respectfully disagrees and would like to particularly point out that it is well established that anticipation under 35 U.S.C. 102 requires each and every elements of the rejected claims must be exactly disclosed by a single prior art reference.

The present invention is directed to a structure of a head rest for a car. The independent claims 1 and 6, among other things, recites at least [at least two connecting portions, each connecting portion comprising an adjusting block having a through hole and a supporting bar attached below the adjusting block, wherein the adjusting blocks

Application No.: 10/711,515
 Examiner: White, Rodney Barnett
 Art Unit: 3636

Applicant: Baton Digital Electronic Tech. Co. Ltd.

can be positioned in said groove and free end portions of said supporting bars protrude out of said head rest portion for fitting said seat; and a securing element, penetrating through said through hole of each of said adjusting block respectively and secured in one of said positioning holes of said supporting portion respectively for securing said connecting portions with said supporting portion, wherein said plurality of positioning holes of the supporting portion allows adjustment of a distance between said supporting bars to fit seats of various specifications]. The advantage of the above features is that at least not only the width between the two connecting portions can be adjusted according to various specification of the seat but also the two connecting portions can be easily assembled compared to conventional head rest.

Applicant respectfully disagrees with the Examiner's rejections and would like to point out that Jost substantially fails to teach or disclose each and every features of the claimed invention. More specifically, Jost fails to teach or disclose a seat with adjustable head rest comprising "at least two connecting portions, [each connecting portion comprising an adjusting block having a through hole and a supporting bar attached below the adjusting block, wherein the adjusting blocks can be positioned in said groove and free end portions of said supporting bars protrude out of said head rest portion for fitting said seat; and a securing element, penetrating through said through hole of each of said adjusting block respectively and secured in one of said positioning holes of said supporting portion respectively for securing said connecting portions with said supporting portion], wherein said plurality of positioning holes of the supporting portion allows adjustment of a distance between said supporting bars to fit seats of various specifications", as required by claims 1 and 6.

Application No.: 10/711,515
 Examiner: White, Rodney Barnett
 Art Unit: 3636

Applicant: Baton Digital Electronic Tech. Co. Ltd.

Instead, Jost substantially discloses, in Figure 5 (Claim 4), that the lower openings 29 of the integrated support 12 are adopted for passage of the anchor rods 6. In other words, the anchors 6 do not have any adjusting blocks comprising through holes through which securing elements are used to secure each of the adjusting block into one of the positioning holes of the supporting portion, instead, Jost substantially discloses in Figure 5 that the lower openings 29 of the integrated support 12 is adopted for passage of the anchor rods 6, and the anchors 6 are secured to the cylindrical sleeve 19 via threaded shaft 18. Thus, Jost substantially fails to teach or disclose at least two separate connecting portions, wherein each connecting portion comprises an adjusting block having a through hole through which a securing element is penetrated and secured in one of said positioning holes of the supporting portion respectively for securing the connecting portions with the supporting portion. Therefore, the structure of the headrest of Jost is not only different but also more complex compared to that of the claimed invention, and thus Jost cannot possibly anticipate the claimed invention in this regard.

Furthermore, Jost also fails to teach or disclose at least "a supporting portion, positioned within said head rest portion, comprising a positioning panel having a groove formed at a bottom thereof and a plurality of positioning holes arranged in a row and [a side of said positioning panel is jointed to an arch shaped plate that is curve towards wind shield of the car] as required by the amended independent claim 6, instead, Jost substantially teaches a NON-ARCHED plate 12' (in Figure 6). Therefore, Jost lacks at least two features of claim 6, and therefore cannot possibly anticipate claim 6 in this regard. The advantage of the arched shape is that at least the strength of the plate (22) can be reinforced so that deformation thereof can be effectively reduced.

Claims 2-5 and 7-10, which directly depend from the proposed independent

Application No.: 10/711,515
Examiner: White, Rodney Barnett
Art Unit: 3636

Applicant: Baton Digital Electronic Tech. Co. Ltd.

claims 1 and 6, are also patentable over Jost at least because of their dependency from an allowable base claim.

For at least the foregoing reasons, Applicant respectfully submits that claims 1-10 patently define over Jost, and therefore should be allowed. Reconsideration and withdrawal of these rejections is respectfully requested.

Application No.: 10/711,515
Examiner: White, Rodney Barnett
Art Unit: 3636

Applicant: Baton Digital Electronic Tech. Co. Ltd.

CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-10 of the present application are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted

Tseng Hung Chang
Date: 04/19/2005

Hung-Chang Tseng
President

Baton Digital Electronic Tech. Co., Ltd.
P. O. Box 108-00403
Taipei, Taiwan
Tel: 886 2 8771 8948
Fax: 886-2-8771 9757
E-mail: foreign@yc-patent.com

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.